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Michael Weber

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EXAMINER

NOONAN, WILLOW W

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/519,587
Filing Date: December 28, 2004
Appellant(s): WEBER, MICHAEL

Daniel E. Sragow (Reg. No. 22,856)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/16/2009 appealing from the Office action mailed 12/10/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

Appellant has correctly noted that cancelled claims 1-16 are not properly before the examiner. Examiner incorrectly listed claims 1, 2, 4, 7-13, and 15 as rejected in the final Office action. Examiner has corrected this administrative error in the grounds of rejection below.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

Art Unit: 2446

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Lea, Rodger, Simon Gibbs, Alec Dara-Abrams and Edward Eytchison. *Networking Home Entertainment Devices with HAVi*. Computer, IEEE Computer Society, Long Beach, CA, vol. 33, no. 9, 1 September 2000, pages 35-43.

6,169,725

Gibbs, et al.

1-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2446

2. Claims 1, 2, 4, 7-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lea** ("Networking Home Entertainment Devices with HAVi") in view of **Gibbs** (U.S. Patent No. 6,169,725).

Regarding claims 17 and 19, Lea teaches a sink device with a local display (see Lea, p. 37, *Device Classification*) for connection to a digital IEEE 1394 network (see Lea, p. 35, *Supporting Technologies*). Lea further teaches that the device may have a means for displaying a user interface for controlling a data source device connected to the network. See Lea, p. 42, col. 1. Lea also teaches that the device has a means for controlling network resource allocation and for automatically establishing, upon selection of a function of the source device by the user through the user interface, a connection between the data source device and the data sink device. See Lea, p. 42, col. 1 ("Also, on the basis of the network device's streaming capabilities, the local stream manager can set up and tear down isochronous connections between different devices."). Lea teaches that said sink device may have playback capability of the data of the source device (e.g., DTV receiver). See Lea, p. 37, *Device Classification*.

Lea does not explicitly teach automatically establishing a connection between the data source device and the data sink device. However, Gibbs teaches automatically establishing connections between source and sink devices in a home audio/video network. See Gibbs at col. 2-3 ("The present invention automatically maintains and manages the internal connections for each of the devices on the network."); Gibbs at col. 12, paragraph 1 ("In step 805, the DCM updates the status of the internal connections. Next, the stream manager(s) within the devices add or drop the

Art Unit: 2446

appropriate connections, step 806.”). It would have been obvious to one of ordinary skill to use Gibbs’ technique with the teaching of Lea because Gibbs teaches that automatically establishing connections, transparent to the user, minimizes the effort and knowledge required by the user. See Gibbs at col. 2, lines 54-61.

Regarding claim 18, Lea teaches that the connection is an isochronous transmission connection comprising allocation of a channel of bandwidth. See Lea, p. 42, col. 1.

Regarding claim 20, Lea teaches that the function can be a playback function. See Lea, p. 40, *DDI Controller*, “play button.”

Regarding claim 21, Lea teaches that the source device may comprise a data generation means adapted to the continuous output of data. See Lea, p. 39, col. 1, *Stream Manager*.

Regarding claim 22, Lea teaches that said function is a selection function of the source device. See Lea, p. 40, *DDI Controller*.

Regarding claim 23, Lea teaches that the device further comprises memory for storing software (see Lea, p. 36, col. 1, “acts as a host for a controlled device by running a software proxy”) downloaded from the source device (see Lea, p. 36, col. 2, “uploaded DCM originates from an external source”, p. 40, col. 2, “can extract this havlet from the DCM, . . . and load and execute the havlet”) wherein said software is adapted to control the automatic establishment of the connection between the source device and the sink device (see Lea, p. 36, col. 1, “specifies communication between it

Art Unit: 2446

and the DCM”) and wherein the user interface is derived from said software (see Lea, p. 40, col. 1, *DDI Controller*).

Regarding claim 24, Lea explicitly teaches that the software is a HAVi Havlet and the network is a HAVi network. See Lea, p. 40, col. 2.

Regarding claims 25 and 29, Lea teaches a method for setting up a data stream connection in a digital network comprising a source device and a sink device, said method comprising the steps of:

executing a user interface on the sink device;

selecting a function of the source device through the user interface, characterized by the step of establishing a connection for data transmission from the data source device to the data sink device, wherein said sink device has playback capability of the data of the source device. See Lea, p. 41, col. 2, *A home network shell*.

Lea does not explicitly teach automatically establishing a connection between the data source device and the data sink device. However, Gibbs teaches automatically establishing connections between source and sink devices in a home audio/video network. See Gibbs at col. 2-3 (“The present invention automatically maintains and manages the internal connections for each of the devices on the network.”); Gibbs at col. 12, paragraph 1 (“In step 805, the DCM updates the status of the internal connections. Next, the stream manager(s) within the devices add or drop the appropriate connections, step 806.”). It would have been obvious to one of ordinary skill to use Gibbs’ technique with the teaching of Lea because Gibbs teaches that

Art Unit: 2446

automatically establishing connections, transparent to the user, minimizes the effort and knowledge required by the user. See Gibbs at col. 2, lines 54-61.

Regarding claim 26, Lea further teaches that the user interface may be derived from software downloaded by the sink device from the source device. See Lea, p. 40, *The havi.ui package*, p. 41, col. 2, “instantiate the DCM’s havlet.”

Regarding claim 27, Lea explicitly teaches that the software is a HAVi Havlet and the network is a HAVi network. See Lea, p. 40, col. 2.

Regarding claim 28, Lea teaches that the downloaded software controls the establishment of the connection. See Lea, p. 42, col. 1, “instantiate the DCM’s havlet,” p. 36, col. 1, “vendor of the controlled device specifies communication between it and the DCM.”

Regarding claim 30, Lea teaches that the function can be a playback function (see Lea, p. 40, *DDI Controller*, “play button”) and that the source device may comprise a storage means (see Lea, p. 35, col. 1, paragraph 1).

(10) Response to Argument

Applicant argues that Lea and Gibbs, either alone or in combination, do not teach automatically establishing a connection between the data source device and a data sink device. Examiner first notes that Lea teaches the use of the IEEE 1394 standard (also known as FireWire). See Lea at p. 37, fig. 1 (“IEEE 1394”). The FireWire standard includes the automatic establishment of communication between two devices when they

Art Unit: 2446

are connected. Thus, Lea alone inherently teaches automatically establishing a connection between a data source device and a data sink device.

Because Lea's teaching in this regard is inherent rather than explicit, Examiner introduced the Gibbs reference to expedite prosecution. Gibbs also teaches automatically establishing a connection between a data source device and a data sink device. See Gibbs at col. 2-3 ("The present invention automatically maintains and manages the internal connections for each of the devices on the network."); Gibbs at col. 12, paragraph 1 ("In step 805, the DCM updates the status of the internal connections. Next, the stream manager(s) within the devices add or drop the appropriate connections, step 806."). Gibbs teaches that the automatic establishment occurs in the context of adding or removing a device. See Gibbs at col. 3, lines 24-25 ("Whenever a new device is added...")

With regard to Applicant's argument that Lea and Gibbs do not teach the data sink device becoming the default destination device for communication with the data source device, Examiner notes that in the scenario where a only source device and a sink device are connected together using IEEE 1394 (taught by Lea), they will necessarily be the default source and sink devices. Examiner further notes that the technique of automatically setting a default device is well known in the art, and it would have been obvious to one of ordinary skill to use the technique in a networking environment to facilitate the establishment of future connections between devices.

(11) Related Proceeding(s) Appendix

Art Unit: 2446

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Willow Noonan/

Examiner, Art Unit 2446

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2446

Conferees:

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